

**JACKSON LEWIS P.C.**

Joshua A. Sliker, (Nevada Bar No. 12493)  
*joshua.sliker@jacksonlewis.com*  
3800 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
Telephone: (702) 921-2460  
Facsimile: (702) 921-2461

**HUESTON HENNIGAN LLP**

John C. Hueston (*admitted pro hac vice*)  
*jhueston@hueston.com*  
Allison L. Libeu (*admitted pro hac vice*)  
*alibeu@hueston.com*  
523 W. 6<sup>th</sup> St., Suite 400, Los Angeles, CA 90014  
Telephone: (213) 788-4340  
Facsimile: (888) 775-0898

*Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.*

**TIFFANY & BOSCO, P.A.**

Robert D. Mitchell (*admitted pro hac vice*)  
*rdm@tblaw.com*  
William M. Fischbach III (*admitted pro hac vice*)  
*wmf@tblaw.com*  
Christopher J. Waznik (*admitted pro hac vice*)  
*cjw@tblaw.com*  
Jason C. Kolbe (Nevada Bar No. 11624)  
*jck@tblaw.com*  
Kevin S. Soderstrom (Nevada Bar No. 10235)  
*kss@tblaw.com*  
Camelback Esplanade II, Seventh Floor  
2525 East Camelback Road Phoenix, Arizona 85016-4229  
Telephone: (602) 255-6000  
Facsimile: (602) 255-0103

*Attorneys for Defendant/Counter-Plaintiff Martin Tripp*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TESLA, INC, a Delaware corporation,

Plaintiff,

v.

MARTIN TRIPP, an individual,

Defendant.

AND RELATED COUNTERCLAIM

Case No.: 3:18-cv-00296-LRH-CBC

**STIPULATION AND [PROPOSED]  
MODIFICATION TO SCHEDULING  
ORDER**

**(SECOND REQUEST)**

1 Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. (“Tesla”) and  
2 Defendant and Counter-Plaintiff Martin Tripp (“Tripp”) submit the following Stipulation and  
3 Proposed Modification to Scheduling Order. The parties respectfully submit that modification of  
4 the scheduling order is warranted to allow for the taking of remaining depositions on dates  
5 mutually convenient for the witnesses and counsel. In support of and as good cause for this  
6 stipulation, the parties state as follows:

- 7 (a) On August 28, 2018, the Court entered the Discovery Plan and Scheduling Order  
8 (“Scheduling Order”) (ECF No. 31);
- 9 (b) On August 29, 2018, the parties exchanged initial disclosures pursuant to Federal  
10 Rule of Civil Procedure 26(a)(1) and the Scheduling Order;
- 11 (c) On October 1, 2018, the Court held a case management conference, during which  
12 the Court noted that the Scheduling Order may need to be extended (ECF No. 42);
- 13 (d) During the discovery period, the parties have exchanged expert reports, requests  
14 for documents, interrogatories, and requests for admission as well as responses  
15 thereto;
- 16 (e) On December 5, 2018, the Court modified the Scheduling Order pursuant to  
17 stipulation of the parties (ECF No. 55);
- 18 (f) Although the parties have been working cooperatively to schedule depositions,  
19 finding dates to accommodate counsel and witnesses has been a challenge.  
20 Among other things, counsel for Tesla have been unable to locate and serve two  
21 third parties identified on Tripp’s witness disclosures. In addition, Tripp seeks to  
22 depose a Tesla representative on several matters pursuant to Rule 30(b)(6), which  
23 will require Tesla to designate four different individuals to be deposed. Tripp also  
24 seeks to depose multiple other current and former Tesla employees, one of whom  
25 is currently on a leave of absence and is not expected to return until shortly before  
26 the discovery cutoff;
- 27 (g) To allow for the taking of remaining depositions and completion of remaining  
28 discovery, the parties agree to extend the following deadlines: (i) the discovery

1 cutoff date; (ii) the deadline for dispositive motions; and (iii) the deadline for filing  
2 the pretrial order;

3 (h) This is the second request for modification of the Scheduling Order;

4 (i) The parties do not anticipate requesting further modification of the Scheduling  
5 Order; and

6 (j) This stipulation complies with Local Rule 26-4 in that it is filed not later than  
7 twenty-one (21) days before the subject deadlines.

8 For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling  
9 Order be modified as follows:

10 1. **Discovery Cutoff Date:** Discovery shall be extended approximately ninety (90)  
11 days to June 10, 2019. This is the deadline for completing discovery and means all discovery must  
12 be commenced in time to be completed by **June 10, 2019**.

13 2. **Dispositive Motions:** Dispositive motions may be filed no later than **July 10,**  
14 **2019**, which is thirty (30) days after the discovery deadline. In the event that the discovery period  
15 is extended from the discovery cutoff date set forth herein, the date for filing dispositive motions  
16 shall be extended for the same duration, to be no later than thirty (30) days from the subsequent  
17 discovery cutoff date.

18 3. **Pretrial Order:** The pretrial order shall be filed by **August 9, 2019**, which is not  
19 later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive  
20 motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days  
21 after the decision of the dispositive motions or until further order of the Court. In the further event  
22 that the discovery period is extended from the discovery cutoff date set forth herein, the date for  
23 filing the joint pretrial order shall be extended in accordance with the period set forth in this  
24 paragraph. The disclosures required by Federal Rule of Civil Procedure 26(a)(3), and any  
25 objections thereto, shall be included in the pretrial order.

26 4. All other deadlines remain as stated in the Discovery Plan and Scheduling Order  
27 previously entered by the Court (ECF Nos. 31 & 55).  
28

1 Dated: January 29, 2019

**HUESTON HENNIGAN LLP**

2 /s/ Allison L. Libeu  
3 Allison L. Libeu  
4 *Attorneys for Plaintiff Tesla, Inc.*

5 Dated: January 29, 2019

**TIFFANY & BOSCO, P.A.**

6 /s/ William Fischbach  
7 William Fischbach  
8 *Attorneys for Defendant Martin Tripp*

9  
10 **ORDER**

11 IT IS SO ORDERED

12  
13 THE HON. CARLA BALDWIN CARRY  
14 UNITED STATES MAGISTRATE JUDGE

15  
16 DATED: \_\_\_\_\_